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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/346,719	07/02/1999	ANA GABRIELA ANAYA	09857/018001	2808

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EXAMINER
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BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/346,719

Applicant(s)

ANAYA ET AL.

Examiner

Alain L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-17,19-27 and 29-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14-17,19-27 and 29-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5-6-03 and 7-18-03 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-17, 19-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of (Zusman et al and Kampe et al) in further view of Lange.

Wilson discloses market event messages (which includes market activity data and time data) translated into a common format. Wilson does not disclose translating a portion of received messages into market event messages.

Zusman et al discloses translating a portion of messages into messages having a common format (col 6, lines 26-31). Regarding the recitation to “translating” it is the examiner’s position that translating as broadly defined as “to change from one form or style to another” does encompass what is disclosed by Zusman.

Kampe et al discloses market event data as received messages (col 1, lines 45-48).

It would have been obvious to one with ordinary skill in the art to translate a portion of received messages into market event messages having a common format to Wilson because of what is taught by Kampe et al and Zusman et al.

Kampe et al teaches that received messages having market event data must be continuously updated in a synchronous and compatible fashion ( col 1, lines 20-67; col 2, lines 1-36). Zusman et al teaches accuracy and timeliness of financial data (col 2, lines 5-10) including standardization of message formats for delivery purposes (col 6, lines 25-42).

Wilson does not further explicitly disclose:

NQDS time extracted from the NQDS message;  
a stamp for a receipt time at the receiver object; and  
time comparison of messages.

Zusman et al discloses a time stamp (col 9, line 8) for input messages, and time comparison of blocks of messages (col 9, lines 19-22).

It would have been obvious to one with ordinary skill in the art to extract NQDS time from the NQDS message because Zusman et al teaches that messages are time dependant that require certain further processing (i.e dumped after 24-hours) after a particular period has passed (col 9, lines 13-67).

It would have been obvious to one with ordinary skill in the art to include a stamp for a receipt time to Wilson because Zusman et al teaches that a stamp is a conventional header for input messages (col 9, lines 8-9).

It would have been obvious to one with ordinary skill in the art to include time comparisons because Zusman teaches correction by requesting re-submission if data included with the message is inconsistent with protocol (col 9, lines 22-34).

Wilson in view of (Zusman et al and Kampe et al) does not explicitly disclose:  
feed lines providing and common format defined by: quote information,  
market participant information, and timing information.

Lange discloses feed lines providing quote information (col 100, lines 1-2),  
market participant information (261; col 3, lines 27-31), and timing information (col 100,  
lines 5-6).

It would have been obvious to one with ordinary skill in the art to include to  
Wilson in view of (Zusman et al and Kampe et al) feed lines providing and common  
format defined by: quote information, market participant information, and timing  
information because Lange teaches such data elements as common to market data  
feeds (col 99, line 66-67).

Wilson discloses NQDS messages, timing data (as would have been obvious to  
one with ordinary skill in the art), and translation into a common format (as inherent –  
i.e. protocols are a type of format; and as would have been obvious to one with ordinary  
skill in the art because of what is taught by Wilson. It would have been obvious to one  
with ordinary skill in the art because Wilson teaches to place time data on incoming  
messages as a means of accurately identifying and flagging messages for later  
processing (col 6, lines 45 et seq) and to provide an platform compatibility to facilitate

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network communications over disparate network architectures and protocols (col 4, lines 1 et seq).

Wilson in view of (Zusman et al and Kampe et al) does not further disclose:

receiving in an object or activation objects to perform functions – i.e. the use of object oriented language.

Lange discloses the use of object oriented language (col 90, lines 35-67).

It would have been obvious to one with ordinary skill in the art to include: the NQDS message in a receiver object, activating a timing object, activating a translator object, and using an object format as the common format, all because of what is taught by Lange. Lange teaches as common for servers that receive market data to utilize object oriented techniques (col 90 , lines 42-44).

Wilson in view of (Zusman et al and Kampe et al) in further view of Lange discloses providing: time stamp, message time, market session data, line, feed, feed sequence number, message type, and original identification. Wilson (Zusman et al and Kampe et al) does not explicitly disclose each of the above provided as described: fields within a market event object format.

It would have been obvious to one with ordinary skill in the art to include fields for each of the above provided within fields within a market event object format because Kampe et al; describes messages as inherently having information within fields (col 5, line 13), and that fields for object oriented language manipulation is known per se.

4. Claim 38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of (Zusman et al and Kampe et al) in further view of Eustis et al in further view of Lang.

Wilson in view of (Zusman et al and Kampe et al) describes what is set forth in the previous rejection of the present office action.

As an alternative rejection, there is not explicitly disclosed translation of the NQDS message into a common format.

Eustis et al discloses translation into common format of information (col 15, lines 40-61).

It would have been obvious to one with ordinary skill in the art to translate NQDS messages into a common format to Wilson in view of (Zusman et al and Kampe et al) because Eustis et al teaches translations for the purposes of achieving a common display of information (col 15, lines 44-45).



Wilson in view of (Zusman et al and Kampe et al) does not explicitly disclose:  
feed lines providing and common format defined by: quote information,  
market participant information, and timing information.

Lange discloses feed lines providing quote information (col 100, lines 1-2),  
market participant information (261; col 3, lines 27-31), and timing information (col 100,  
lines 5-6).

It would have been obvious to one with ordinary skill in the art to include to  
Wilson in view of (Zusman et al and Kampe et al) a common format defined by: quote  
information, market participant information, and timing information because Lange  
teaches such data elements as common to market data feeds (col 99, line 66-67).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from  
the examiner should be directed to Alain L. Bashore whose telephone number is 703-  
308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm  
(Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for  
the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



Alain L. Bashore